

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 27349 of 2007(E)

OS.181/2004 of PRINCIPAL SUB COURT,ATTINGAL

PETITIONER:

K.GOPALAKRISHNAN NAIR,
GOODS GUARD, CHIEF YARD MASTER OFFICE,
MARSHELING YARD, SOUTHERN RAILWAY, ERNAKULAM,
RESIDING AT VELLAMPILLIL HOUSE, MENATTOOR P.O.,
ERNAKULAM.

BY ADV. SRI.SIBY MATHEW
SRI.PHILIP J.VETTICKATTU

RESPONDENT:

ANILKUMAR,
SREELAKSHMI BHAVAN, POOVANPARA, ALAMKODE,
CHIRAYINKIL, TRIVANDRUM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17/09/2007,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

KSS

M.N. KRISHNAN, J.

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W.P.C. NO. 27349 OF 2007

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Dated this the 17th day of September, 2007.

J U D G M E N T

This writ petition is filed to direct the Sub Judge, Attingal to dispose of I.A.Nos.1300, 1300-A and 1301 of 2007 in O.S.181/04 and to stay all further execution proceedings in O.S.181/04 of the Sub Court, Attingal. It is the case of the writ petitioner that he is an employee of the railways and the plaintiff had obtained an exparte decree by furnishing an address where he was residing 20 years before and that he came to know about the decree only on intimation regarding the attachment of salary. Therefore, he has moved an application for condoning the delay of 738 days and for setting aside the exparte decree and it is pending before the Sub Court, Attingal. The petitioner prays for a speedy disposal of the same and also for stay of the execution proceedings.

2. I direct the Sub Judge, Attingal to dispose of the matter as expeditiously as possible at any rate within a

period of two months from today and in the meanwhile there will be a stay of the execution proceedings provided the writ petitioner herein furnishes security for the decree amount before the executing Court. If such a security is furnished within a period of one month, then the execution shall stand stayed till the disposal of the I.As.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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